

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ASKEW,

Petitioner,

v.

THOMAS G. PHILLIPS,

Respondent.

Case No. 1:06-CV-708

Hon. Richard Alan Enslen

ORDER

Petitioner James Askew has moved for reconsideration of the Court's Order of December 13, 2006, which denied his Objections to United States Magistrate Judge Ellen S. Carmody's Report and Recommendation of October 25, 2006, but recommitted the matter to her for further determinations. Petitioner has argued that the Magistrate Judge and this Court have misunderstood his claims and federal law relating to exhaustion.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is proper only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Defendants' Motion fails this standard. Furthermore, no purpose is served by reconsideration at this stage. The matter has been recommitted to the Magistrate Judge and Petitioner's various arguments should be addressed to her in the first instance.

THEREFORE, IT IS HEREBY ORDERED that Petitioner James Askew's Motion for Reconsideration (Dkt. No. 16) is **DENIED**.

Dated in Kalamazoo, MI:
February 16, 2007

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge